

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

John Dewey Lim 035800  
(full name) (Register No.)

19-0954-CV-W-GAF-P

Plaintiff(s).

Case No. \_\_\_\_\_

v.

Sergeant Pitts, Missouri Highway Patrol  
(Full name)  
(First Name (unavailable))

Defendants are sued in their (check one):

\_\_\_\_ Individual Capacity

\_\_\_\_ Official Capacity

☒ Both

Defendant(s).

**COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983**

I. Place of present confinement of plaintiff(s): Johnson County, Kansas Adult Detention Center  
101 N. Kansas Ave, Olathe, Kansas 66061

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff John Dewey Lim Register No. 035800  
Address Johnson County Adult Detention Center  
101 N. Kansas Ave, Olathe, Kansas 66061

B. Defendant Sergeant Pitts (First name unavailable)  
Is employed as Missouri Highway Patrol Officer  
504 SE Blue Parkway Lee's Summit, MO 64063

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes \_\_\_\_\_ No X
- IV. Do you request a jury trial? Yes \_\_\_\_\_ No X
- V. Do you request money damages? Yes X No \_\_\_\_\_
- State the amount claimed? \$ 5000 / \$50,000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No \_\_\_\_\_

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes X No \_\_\_\_\_

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes \_\_\_\_\_ No X

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

N/A

D. If you have not filed a grievance, state the reasons.

It is not applicable as the violation is Fourth Amendment based and took place in Platte County, Mo

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes \_\_\_\_\_ No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes \_\_\_\_\_ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) (Defendant)

(2) Date filed: \_\_\_\_\_

- (3) Court where filed: N/A
- (4) Case Number and citation: N/A
- (5) Basic claim made: N/A
- (6) Date of disposition: N/A
- (7) Disposition: N/A  
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: \_\_\_\_\_  
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

While awaiting extradition in Platte County, MO in 2015, I was served with a search warrant #1412 by Sergeant Pitts of the Missouri Highway Patrol on September 11, 2015 in which he took possession of my personal devices including but not limited to iPad, iPhone, LG Phone, Samsung tablet. In 2017 I filed a motion of Return which was denied on the legal basis the statute of limitations had not expired. Federally, I submitted another Return motion in September after all statutes expired to no reply. On 10.25.2019 I moved for summary judgment for return of my property from Sgt. Pitts and he was served with my motion to return my property but has failed to respond. Pitts has wrongfully retained possession of my property for 5 years without any legal basis as I have never been charged with a crime. Depriving me of valuable content (see attachment)

- B. State briefly your legal theory or cite appropriate authority:

Under the Fourth Amendment, I am entitled to be secure in my property from wrongful seizure. The ruling in United States v. Chambers, 192 F.3d 374 3<sup>rd</sup> Circuit (1999) says the burden lies with the government to demonstrate it has a legitimate claim to retain seized property which Pitts has failed to do. Federal Rules of Procedure 56(e) says the court must grant me summary judgment if I can show there is no dispute as to any material fact and I am entitled to judgment as a matter of law. The court will find the statute of limitations has expired and I have never been charged, entitling me to return of my property taken under warrant. Federal Rules of Criminal Procedure, Lawyers Edition Chapter 22, Section 62.1 22, 240 (continued)

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.  
I want my property returned immediately by Federal Express or the replacement value  
of \$5000 in cashiers check. I want the court to award me \$50,000 in punitive for pain  
and suffering for the violation of the Fourth Amendment civil the deprivation of my property and the irreparable cost

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes \_\_\_ No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

N/A

C. Have you previously had a lawyer representing you in a civil action in this court?


Yes \_\_\_ No X

If your answer is "Yes," state the name and address of the lawyer.

N/A

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed (signed) this 20<sup>th</sup> day of November 2019.

  
Signature(s) of Plaintiff(s)

IX A

that is invaluable both personally and professionally. Personally, pictures and mementos contained on my devices were unavailable to me, causing me emotional distress for they are irreplaceable. Professionally, contacts and documents that were unavailable to me for five years cost me business and payments due to me. The deprivation of my devices has caused irreparable harm which is made more egregious by the fact all statutes have been exhausted and no charges were ever filed and my property still hasn't been returned, denying me my Fourth Amendment rights. It will cost me \$5000 to replace my property and the emotional loss of the content is priceless for the time I have been deprived.

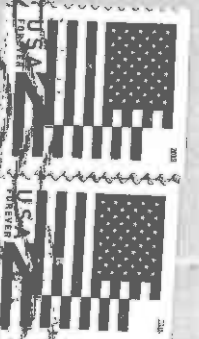
(1994) which states, "The government is not permitted to seize private property and then simply retain that property without any demonstration that the property is somehow necessary to an investigation even if seizure was executed pursuant to a search warrant. (Citing Federal Rules of Criminal Procedure 41). Finally, citing Chambers again, "my writ of replevin is wrongfully withheld if the statute of limitations has expired and no charges have been filed."

John Lim # 035800  
SCADL  
101 N. Kansas Ave  
Olathe, KS 66061

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WESTERN DISTRICT OF MO  
KANSAS CITY, MO



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1510 Whittaker Courthouse  
400 E. Ninth St.  
KC, MO. 64106